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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,560	11/30/2001	Mark Philip Gibbons	6337.1028	3825

7590 09/29/2005	EXAMINER
Geoffrey R. Myers, Esquire	FOWLKES, ANDRE R
Hall, Priddy, Myers & Vande Sande	

ART UNIT	PAPER NUMBER
2192	

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DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No. 09/996,560	Applicant(s) GIBBONS, MARK PHILIP	
	Examiner Andre R. Fowlkes	Art Unit 2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 July 2005*.

2a)☐ This action is **FINAL**.　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/22/05

has been entered.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.   Claim 10 recites the limitation "said one computer" in line 3. There is insufficient

antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

5.   Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Thomas

et al., (Thomas), U.S. Patent Publication No. 2002/0143641.

        As per claim 1, Thomas discloses **a method for allowing objects in a first**

programming language to communicate with objects in a second programming

language (p. 1 col. R:41-44, "the client (using a first programming language) downloads

the requested communication proxy and dynamically interacts, at runtime, with an

Internet service (using a second programming language) using the requested

communication proxy, the communication proxy being local to the client"), **comprising:**

        - receiving metadata information from a server running said second

programming language on a client running said first programming language (p. 1

col. R:32, "(a server) transmits metadata to the client"),

        - generating proxies for said first programming language from said

metadata information, using a development tool for said first programming

language, wherein said proxies are generated by a one-to-one mapping of classes

from said second programming language to said first programming language and

said proxy is customized for the client's intended purpose (p. 1 col. R:32-35,

"transmits metadata to the client enabling the client to locate the ... proxy. (Proxies are

available for) Java (and) common language runtime (i.e. a first and second

programming language technologies)", and the proxies must be generated at some

point in time and the metadata is used to locate specific custom proxies that are used

for a specific purpose),

- **implementing said proxies on said client, wherein said method is**

provided solely in said first programming language and said client does not

require any components from said second programming language (p. 1 col. R:41-

44, "the client downloads the requested communication proxy and dynamically interacts,

at runtime, with an Internet service using the requested communication proxy, the

communication proxy being local to the client").

As per claim 2, the rejection of claim 1 is incorporated and further, Thomas

discloses **using said proxies to enable bi-directional communication between said**

client and said server (Fig. 1, and associated text, (e.g. p. 1 col. R:54-61)).

As per claim 3, the rejection of claim 1 is incorporated and further, Thomas

discloses that **said first programming language is a JAVA cross platform**

programming language and said second programming language is common

language runtime (CLR) (p. 1 col. R:33-35, "transmits metadata to the client enabling

the client to locate the ... proxy. (Proxies are available for) Java (and) common

language runtime (i.e. a first and second programming language technologies)").

As per claim 5, the rejection of claim 1 is incorporated and further, Thomas

discloses that **said client and said server communicate using SOAP formatted**

messages (p. 1 col. R:36-39, "The application-level communication protocols include ...

SOAP").

As per claim 6, the rejection of claim 1 is incorporated and further, Thomas

discloses that **said client and said server communicate using binary formatted**

messages (p. 2 col. L:4-6, "the metadata data (communicated) can be ... binary

(formatted messages)").

As per claim 7, the rejection of claim 1 is incorporated and further, Thomas

discloses **passing said proxies to a runtime tool using said first programming**

language (p. 1 col. L:8-12, "this invention relates to ... dynamically interacting , at

runtime, with an Internet service using ... (a) proxy", and figure 1, and associated text,

(e.g. p. 1 col. R:54-61), shows a proxy being passed at runtime).

As per claim 8, the rejection of claim 7 is incorporated and further, Thomas

discloses that **said runtime tool is capable of operating independently of said**

development tool (figure 1, and associated text, (e.g. p. 1 col. R:54-61) shows the

runtime operation, independently of the development operation).

As per claim 9, Thomas discloses **a system enabling bi-directional**

communication using .Net Remoting protocol between JAVA objects in a JAVA

virtual machine environment and .Net assemblies objects in a common language

runtime (CLR) environment (p. 1 col. R:41-44, "the client (using a first programming language) downloads the requested communication proxy and dynamically interacts, at runtime, with an Internet service (using a second programming language) using the requested communication proxy, the communication proxy being local to the client"), comprising:

- a computer network (p. 1 col. R:16, "Internet"),

- a JVM computer having random access memory (RAM) and at least one of hard disk storage memory (HDS) and solid state storage memory (SSSM), said computer having a JAVA virtual machine (JVM) environment and JAVA objects in one of said HDS and SSSM, said JVM computer coupled to said computer network (p. 1 col. R:32-35, " (Proxies are available for) Java),

- a CLR computer having random access memory (RAM) and at least one of hard disk storage memory (HDS) and solid state storage memory (SSSM), said computer having a CLR environment and .Net assemblies in one of said HDS and SSSM, said CLR computer coupled to said network (p. 1 col. R:32-35, "(Proxies are available for) Java (and) common language runtime (CLR),

- a JAVA development computer with RAM, and one of HDS and SSSM, said JAVA development computer having a JVM environment and a JAVA-based tool in one of said HAD or SSSM, said JAVA development computer coupled to said network, wherein said JAVA-based tool is used, during development, to select .Net assemblies running on CLR computers, (p. 1 col. R:32-35, "transmits metadata to the client enabling the client to locate (i.e. select) the ... proxy. (Proxies are available

for) Java (and) common language runtime (i.e. a first and second programming

language technologies)", and the proxies must be generated at some point in time),

wherein:

- said JAVA-based tool being used during development to select .Net

assemblies running on said CLR computer on said computer network and to

generate a corresponding set of JAVA proxies customized according to their

intended purpose (p. 1 col. R:32-35, "transmits metadata to the client enabling the

client to locate the ... proxy. (Proxies are available for) Java (and) common language

runtime (i.e. a first and second programming language technologies)", and the proxies

must be generated at some point in time and the metadata is used to locate specific

custom proxies that are used for a specific purpose),

- said JAVA proxies are copied onto said VM computer and are

operative to allow said JAVA objects to communicate with selected .Net

assemblies on said CLR computer (p. 1 col. R:32-35, "transmits metadata to the

client enabling the client to locate the ... proxy. (Proxies are available for) Java (and)

common language runtime (i.e. a first and second programming language

technologies)"),

- a CLR development computer having memory comprising RAM, and one

of HDS and SSSS, and having a CLR environment in said memory, said CLR

development computer coupled to said computer network, (p. 1 col. R:32-35,

"transmits metadata to the client enabling the client to locate the ... proxy. (Proxies are

available for) Java (and) common language runtime), **and having:**

**- a CLR-based tool in said memory operative during development to
select specified JAVA objects on said JVM computer over said computer network
and to generate a corresponding set of CLR proxies wherein said CLR proxies
are copied onto said CLR computer and are operative to allow said CLR objects
to communicate with said specified JAVA objects on said JVM computer, said
CLR proxies being customized according to their intended purpose** (p. 1 col. R:32-
35, "transmits metadata to the client enabling the client to locate the ... proxy. (Proxies
are available for) Java (and) common language runtime (i.e. a first and second
programming language technologies)", and the proxies must be generated at some
point in time and the metadata is used to locate specific custom proxies that are used
for a specific purpose).

As per claim 10, the rejection of claim 9 is incorporated and further, Thomas
discloses **a JAVA cross platform programming language-based runtime tool
stored on a computer for handling said JAVA proxies and said .Net proxies** (p. 1
col. R:33-35, "(Proxies are run for communicating between) Java (and) common
language runtime (i.e. a first and second programming language technologies)").

As per claim 11, the rejection of claim 10 is incorporated and further, Thomas
discloses that **a JAVA cross platform programming language-based runtime tool is
capable of operating independently of said a JAVA cross platform programming
language-based tools for generating JAVA and .Net proxies** (figure 1, and

associated text, (e.g. p. 1 col. R:54-61) shows the runtime operation, independently of

the development operation and p. 1 col. R:33-35, "(Proxies are run for) Java (and)

common language runtime (i.e. a first and second programming language

technologies)").

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas

et al., (Thomas), U.S. Patent Publication No. 2002/0143641 in view of Zhang, U.S.

Patent Publication No. 2003/0101235.

As per claim 4, the rejection of claim 1 is incorporated and further, Thomas

discloses that **said second programming language is a JAVA cross platform**

programming language (p. 1 col. R:33-35, "transmits metadata to the client enabling

the client to locate the ... proxy. (Proxies are available for) Java (and) common

language runtime (i.e. a first and second programming language technologies)").

Thomas doesn't explicitly disclose that **said first programming language is**

.Net Remoting. However, Zhang, in an analogous environment, discloses that **said**

first programming language is .Net Remoting (p. 7 col. R:17-20, "(the) messages

can sit on a number of communication ... (protocols, including) Microsoft .NET

Remoting").

Therefore, it would have been obvious to a person of ordinary skill in the art, at

the time the invention was made, to incorporate the teachings of Zhang into the system

of Thomas to use .NET Remoting. The modification would have been obvious because

one of ordinary skill in the art because one would want the flexibility and convenience of

using .Net remoting to communicate across any protocol.

Response to Arguments

8.   Applicants arguments have been considered but they are not persuasive.

In the remarks, the applicant has argued substantially that:

1)   The cited art does not disclose the newly added features of presently amended

claims 1 and 9, at p. 7:1-3.

Examiner's response:

1)   In response to applicant's argument that the references fail to show the new

limitations of the presently amended claims, it is noted that the newly added limitations

upon which applicant relies are fully addressed in the above art rejection.

Conclusion

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre R. Fowlkes whose telephone number is (571) 272-3697. The examiner can normally be reached on Monday - Friday, 8:00am- 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571)272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARF

TUAN DAM
SUPERVISORY PATENT EXAMINER